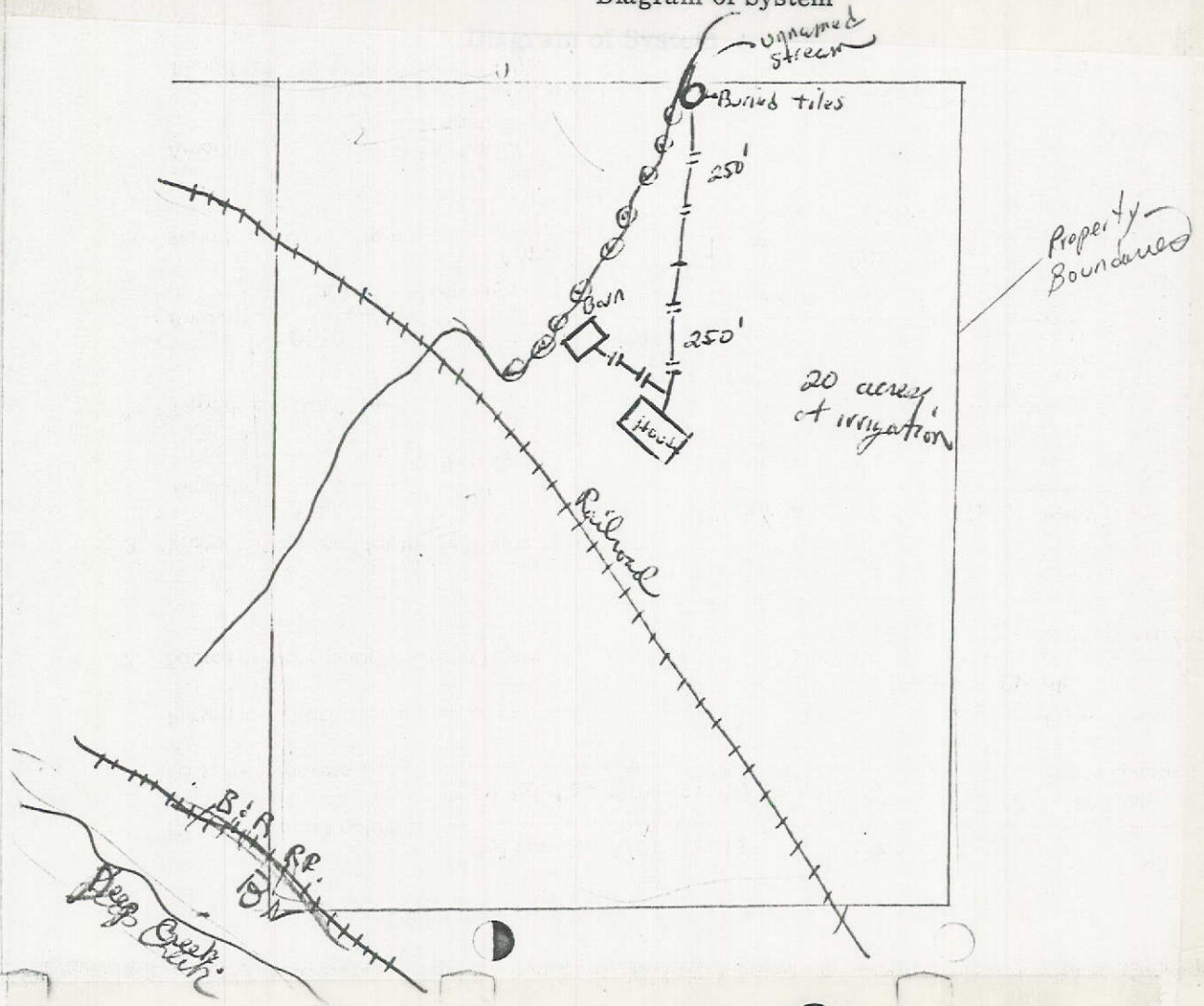


T
60
N

24

20
*

Diagram of System



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 98-7025 Priority May 22, 1970 Amount 0.10 cfs

THIS IS TO CERTIFY, that Nelson M. Warner &/or Denise B. Warner
of Naples, Idaho, has complied with the terms and conditions of Permit
No. 98-7025 issued pursuant to Application for Permit dated May 22, 1970,
and has submitted proof to the Department of Water Resources on April 25, 1975,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.10 cfs of water from an unnamed creek,
tributary to Deep Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>June 1</u> to <u>Sept. 30</u>	at <u>0.10</u> cfs and	<u>24 acre feet or</u> <u>3.0 af per acre</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.10 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
24 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 24,
Twp. 60 N, Rge. 1 W, B. M. in the County of Boundary

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
60 N	1 W	24															20		20

Total number of acres irrigated 20

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4 day of
February, 19 76.

Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING

DEVICE REQUIREMENT FOR PERMIT NO. 98-7025

in the name of NELSON M. & DENISE B. WARNER

ORDER

WHEREAS, on May 22, 1970, Harry E. Dudley filed an application for permit with the Department of Water Resources (formerly the Department of Water Administration) to appropriate 0.30 cubic feet per second of water from an unnamed creek, tributary to Deep Creek, to be diverted from a point within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, Twp. 60N, Rge. 1W, B.M., Boundary County, to be used for irrigation purposes; and,

WHEREAS, on July 2, 1970, the Department approved said application and issued Permit No. 98-7025 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before July 1, 1975, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on February 28, 1973, Harry E. Dudley assigned all his right, title and interest in Permit No. 98-7025 to Nelson M. and Denise B. Warner; and,

WHEREAS, on May 1, 1975, the Department received the required proof of application of the water to beneficial use along with a request that the measuring device requirement be removed from said permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 98-7025.

Dated this 25th day of July, 1975.

A. KENNETH DUNN

Administrator, Operations Division

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 98-7025)

in the name of NELSON M. & DENISE B. WARNER)

ORDER OF REINSTATEMENT

WHEREAS, on May 22, 1970, Harry E. Dudley filed an application for permit with the Department of Water Resources (formerly the Department of Water Administration) to appropriate 0.30 cubic feet per second of water from an unnamed creek, tributary of Deep Creek, to be diverted from a point within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, Twp. 60N, Rge. 1W, B.M., Boundary County, to be used for irrigation purposes; and,

WHEREAS, on July 2, 1970, the Department approved said application and issued Permit No. 98-7025 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before July 1, 1975; and,

WHEREAS, on February 28, 1973, Harry E. Dudley assigned all his right, title and interest in Permit No. 98-7025 to Nelson M. and Denise B. Warner; and,

WHEREAS, on May 1, 1975, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on July 3, 1975, the Department notified the permit holder that Permit No. 98-7025 had lapsed for failure to submit proof of beneficial use of water; and,

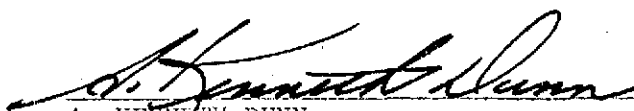
WHEREAS, on July 9, 1975, it was brought to the attention of the Department that proof of beneficial use of water for the above numbered permit had been made in connection with Permit No. 98-7068; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 98-7025 be REINSTATED without a loss of priority.

Dated this 29th day of July, 1975.


A. KENNETH DUNN
Administrator, Operations Division

State of Idaho

Department of Water Administration

RECEIVED

FEB 22 1973

ASSIGNMENT OF PERMIT

Department of Water Administration
Northern District Office

I, HARRY E. DUDLEY, hereby assign to Nelson M & Denise B. WARNER
of Box 592, Bonners Ferry, ID 83805,
Address

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. 98-7025
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the State
of Idaho. (Describe that portion of the permit being assigned by list-
ing the acreage within each 40-acre subdivision, the point of diversion
and the amount of water in cubic feet per second for direct diversion,
or acre feet for storage.)

Made this 22nd day of November, 19 72

Harry E. Dudley
Permit Holder

Katherine Dudley
Spouse of Permit Holder

State of Idaho)
County of Boundary) ss,

On this 22nd day of November, 19 72, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that ~~he~~ (she) (they) executed the same.

Barbara Springer
Notary Public residing at
Bonners Ferry, Idaho

My commission expires: 2-29-76

98 7025

OK 1/9 2/25/73

Identification No. 98-7025
Application No. _____

ASSIGNED TO:

Nelson M. & Denise B.
Warner
Box 592
Bonnars Ferry, ID

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

LICENSE ISSUED FOR 10 SEC. F1.
LICENSE PAGE NO. _____

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

APPROVED

1. Name of applicant Harry E. Dudley
post office address Naples, Idaho 83847
2. Source of water supply Run named Creek which is a tributary of Deep Creek
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24 Township T60N
Range 1W B.M. Boundary County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.3 for irrigation purpose from June 1 to Sept. 30 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.3 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Plank diversion, pipeline
sprinklers.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 2500/600.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

98-7025

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
760N	R120	24															20		20

Total number of acres to be irrigated 20

c. Describe any other water rights used for the same purposes _____

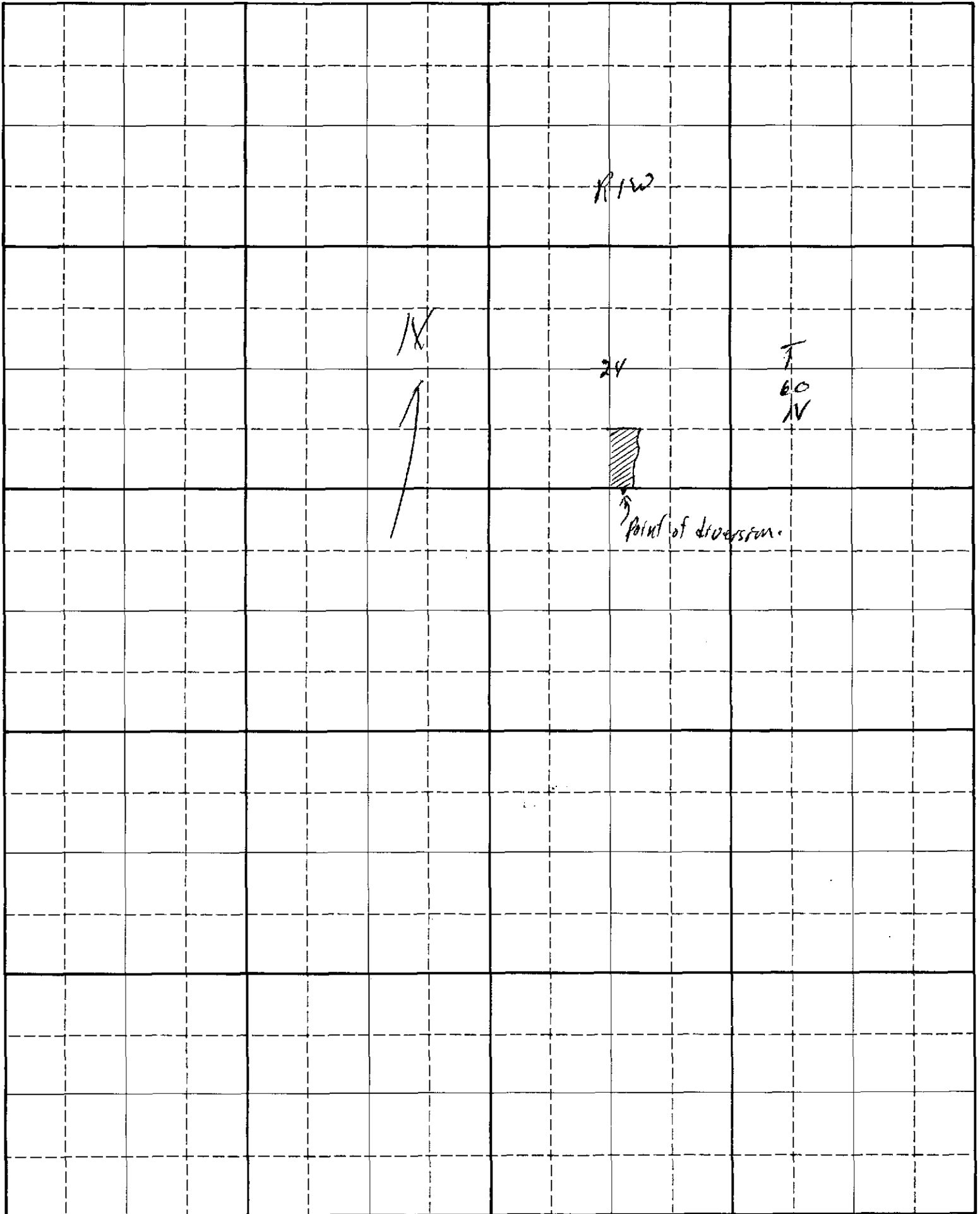
9. a. Who owns the property at the point of diversion SAME.

b. Who owns the land to be irrigated or place of use SAME.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

11. Map of proposed project:



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Harry E. Dudley
(Applicant)

98-7025

Received by Date 5-22-70 Time 8:00 am
Preliminary check by Fee \$ 10.00
Receipted by Date 5-22-70
Publication prepared by Date 6-3-70
Published in Boise Sun Herald
Publication dates 6-11+18-70
Publication approved Date 6-30-70
Priority reduced to Reason

Protests filed by:

Copies of protests forwarded by

Hearing held by Date

Recommended for approval denial by

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 98-7025, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 75.
- c. Other: The permit holder shall permanently install and maintain a measuring device of a type approved by the department as part of the diverting works.

2. Denial of said application is for the following reasons:

Witness my hand this 2nd day of July, 19 70.

P. Keith Higgs
State Reclamation Engineer

**NOTICE OF APPLICATION FOR
PERMIT TO APPROPRIATE THE
PUBLIC WATERS OF THE STATE
OF IDAHO**

Notice is hereby given that Harry E. Dudley, Naples, Idaho, has on May 22, 1970, submitted Application No. 98-7025 to appropriate the public waters of an unnamed creek, tributary of Deep Creek.

The application proposes a maximum diversion and appropriation of 0.3 cubic feet per second of water to be diverted by pipeline and sprinklers within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, T. 60N, R. 1W, B.M., Boundary County, and is to be used within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, T. 60N, R. 1W, B.M. from June 1 to Sept. 30 for the irrigation of 20 acres.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Reclamation on or before June 29, 1970.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho, on June 11 and June 18, 1970.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO } ss.
County of Boundary }

W. H. Chubb

being first duly sworn up his oath, deposes and says that he is the publisher

publisher

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of **State of Idaho Dept. of Reclamation**

an Application for Permit No. 98-7025-Harry Dudley

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated June 11, 1970 and ending with the issue dated June 18, 1970

Subscribed and sworn to before me this 22 day of June, 1970

Notary Public in and for the County of Boundary State of Idaho,
residing at Bonners Ferry, Idaho.

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Harry E. Dudley, Naples, Idaho, has on May 22, 1970, submitted Application No. 98-7025 to appropriate the public waters of an unnamed creek, tributary of Deep Creek.

The application proposes a maximum diversion and appropriation of 0.3 cubic feet per second of water to be diverted by pipeline and sprinklers within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, T. 60N, R. 1W, B.M., Boundary County, and is to be used within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, T. 60N, R. 1W, B.M. from June 1 to Sept. 30 for the irrigation of 20 acres.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Reclamation on or before June 29, 1970.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Bonners Ferry Herald, Bonners Ferry, Idaho, on June 11 and June 18, 1970.

STATE OF IDAHO }
County of Boundary } ss.

W. H. Chubb

being first duly sworn up his oath, deposes and says that he is the publisher (or foreman)

publisher

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of **State of Idaho Dept. of Reclamation**

an Application for Permit No. 98-7025-Harry Dudley

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated June 11, 1970 and ending with the issue dated June 18, 1970

Subscribed and sworn to before me this 22 day of June, 1970

William H. Chubb
Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.

February 5, 1976

Re: Permit Nos. 98-7025 & 98-7068

Nelson M. &/or Denise B. Warner
Star Route
Naples, ID 83847

Dear Mr. & Mrs. Warner:

Enclosed herewith are copies of the water licenses issued on the above referenced permits.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:rb

Enc.

January 22, 1976

C Nelson M. &/or Denise B. Warner
Star Route
Naples, Idaho 83847

Re: Permits No. 98-7025 & 98-7068

Dear Mr. & Mrs. Warner:

O A representative of this Department has made an examination of the works covered by the above referenced permits and has found the following:

Permit 98-7025

Amount of water that can be recognized as beneficially used under Idaho law: 0.10 cfs

The maximum quantity diverted shall not exceed 24 acre feet per year.

P Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, Twp. 60 N, Rge. 1 W, B.M.

Beneficial use: Irrigation of 20 acres within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 24

Priority established: May 22, 1970

Permit 98-7068

Y Amount of water that can be recognized as beneficially used under Idaho law: 0.04 cfs

The maximum quantity diverted shall not exceed 1.2 acre feet per year.

Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, Twp. 60 N, Rge. 1 W, B.M.

Beneficial use: Domestic purposes within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 24

Priority established: February 28, 1974

If you do not concur with these findings please contact us within 10 days, otherwise water licenses will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

RECEIVED

JUL 30 1975

Department of Water Resources
Phone Northern District Office

3. Water will be used for the following purposes:

Other uses: _____

Permit No. 98-7025

Examination for b/u

- Other Points of Diversions: _____

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

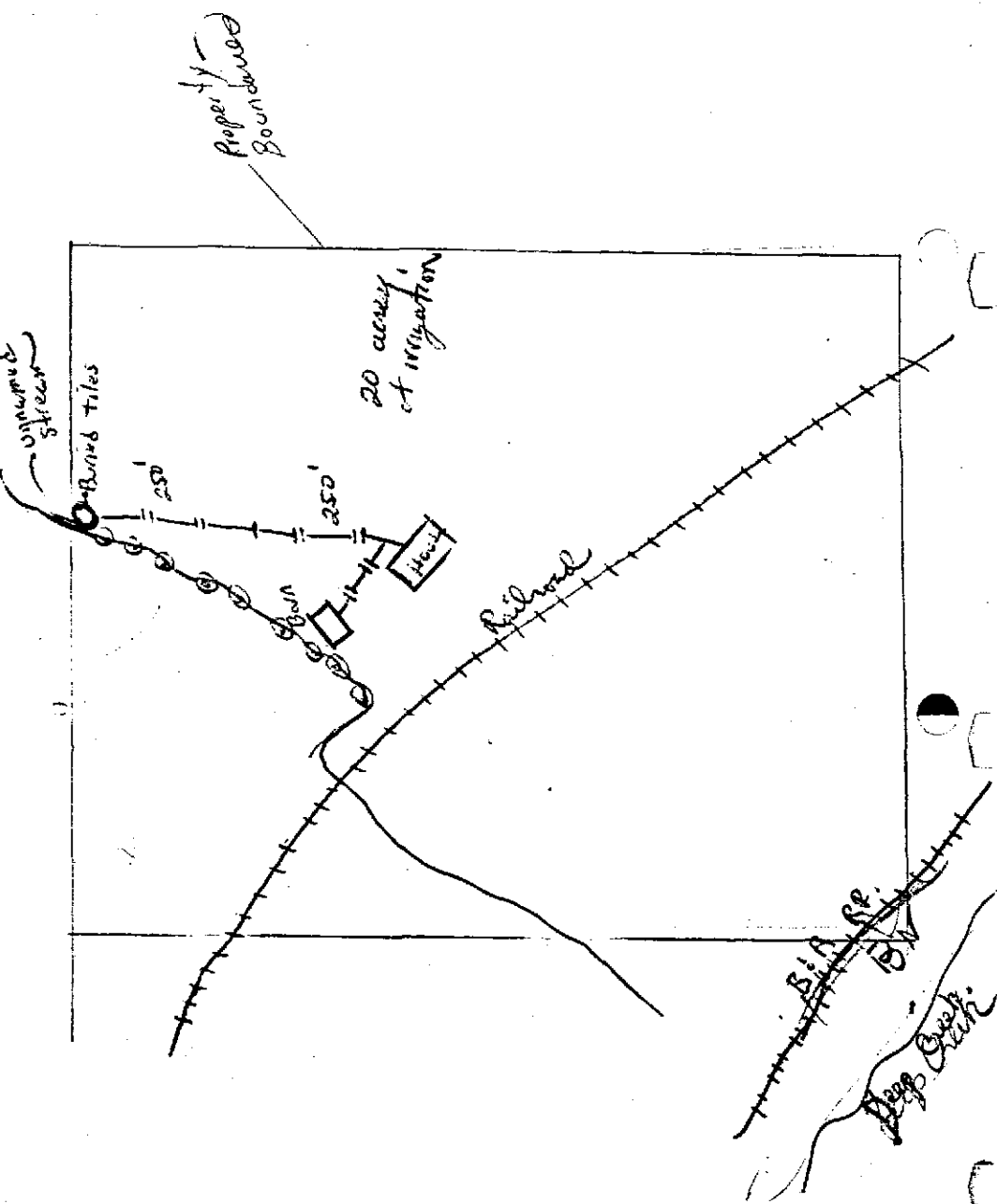
20

IMPROVED

24

20*

Diagram of System



DATE OF EXAM 8/8/75

ACREAGE

Found 20 acres
Recommended 20 acres

Irrigation Requirement 3.0 Ac Ft/Ac

Not to exceed 10 when combined
with 98-7068

* Not to exceed 60 a.f. when combined with 98-7068

USE

Irrigation Q= 10 c.f.s.

V= 60

AF/Ann. from 4/1

to 10/15

Domestic Q= c.f.s.

V=

AF/Ann. from

to

Livestock Q= c.f.s.

V=

AF/Ann. from

to

Is water co-mingled? yes no ✓

Name source:

twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4

County

Exchange? yes no ✓

Name source exchanged with:

twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4

County

Point of injection:

twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4

County

Point of exchange:

twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4

County

Total Q measured .14 Method of measurement estimated

Total Q recommended .14 Meter No. Type Condition

Total V recommended 60

Recommended Amendments:

P.D.

Place of Use

Other

None ✓

MEASUREMENT CALCULATION:

(9) 1" lines at 5 gpm/line = 45 gpm.

SYSTEM DESCRIPTION:

2 concrete ring tiles are set into the stream which creates storage. Pipeline leads down hill to house and barn. Irrigation is done by gravity flow. Nine 1" plastic pipelines are laid to the stream at various locations. These lines convey water by gravity pressure for flood and sprinkler irrigation.

REMARKS:

Total of 20 acres are irrigated
This license will be subject to license 98-7068

Examiner's Signature [Signature]

Date 8/8/75

Checked by [Signature]

Date 8/18/75

Approved by

Date

July 25, 1975

Re: Permit No. 98-7025

Nelson M. & Denise B. Warner
Star Route
Naples, Idaho 83847

Dear Mr. & Mrs. Warner:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order of Reinstatement; please note that the priority has not been advanced. Also enclosed is an Order which removes the measuring device requirement on this permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season the examination will be made, however, our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions concerning the field exam, please contact our District Office in Coeur d'Alene.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:JFR

Enclosures

NOT FILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
 APR 25 1975
 Department of Water Resources

1. a) Name of Permit Holder Nelson M. And/or Denise B. Warner
 b) Post Office Address Star Route, Naples, ID 83847
2. Permit Number 98-7068
3. Date of Priority that you are prepared to establish Irrigation: June 1970 (see permit 98-7025)
Domestic: June 1973
4. a) Source from which water was appropriated Unnamed creek
 b) Location of the point of diversion: SW 1/4 SE 1/4, Section 24
Township 60N, Range 1W, Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
 amount 0.04 for domestic purposes from Jan 1 to Dec 31 incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 amount 0.10 for Irrigation purposes from April 1 to Oct 15 incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 b) Total amount appropriated 0.14 cfs and/or acre feet per annum
 c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Mr. Thomas Parrish, US Soil Conservation Service
Technical data of systems were furnished to him.
Donners Ferry, Id Consulting Engineer
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
 a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
 b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 2 Concrete rings 8' below ground level,
gravity flow via 260' of 4" PVC pipe, then 240' of 1 1/2" PVC to house, then
220' of 1" PVC to barn. Irrigation: a series of temporary earth dams and
gravity flow via plastic pipe to irrigation points.
 b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
- c) Give well drillers name and address and date the well was completed Jelinek Construction
Co, Naples installed the domestic water system in June 1973

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Homestead and drinking water for animal use.

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: grass pasture

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
60N	1W	24															30		30

Total number of acres irrigated 30

10. Remarks: The Coeur d'Alene office advised me that I could request an exception to the requirement for water measuring devices due to the "relatively" small amount of water involved. Mr. Parrish has advised me that my system for domestic use could divert 0.2 CFS, however, I couldn't possibly use that amount 24 hours a day. I do not intend to request a right for water beyond reasonable requirements. My temporary and movable irrigation system can deliver 0.1 cfs and will meet my requirements. There is no competitive use for water "above" me. Therefore request an exception be granted requiring a measuring device. Spring washouts destroy any temporary diversion dams set up for irrigation water.
The above information is a true statement of the extent to which the above numbered permit has been developed.
(No measuring device required)

April 24 1975
(Date)

Nelson M. Harner
Verise B. Harner
(Signature)

State of _____
County of _____ ss.

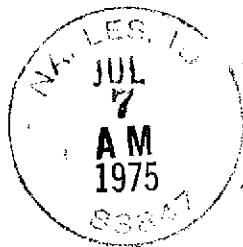
On this 24th day of April, 1975, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

C. R. H. Hester
Notary Public residing at 2400 W. 1st St. Idaho Falls

My commission expires 12-10-75

Mr. & Mrs. Nelson Warner
Star Route
Naples, Idaho 83847

Note
New
address



Department of Water Resources
State House

Boise, Idaho 83720



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

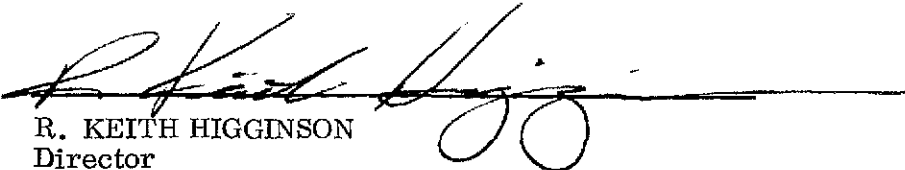
July 3, 1975

Nelson M. & Denise B. Warner
Naples,
Idaho 83847

Dear Mr. & Mrs. Warner:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 98-7025 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON
Director

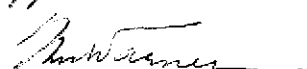
July 5, 1975

Dear Sir:

I submitted the affidavit as proof of beneficial use for permit # 98-7068. In it, I referred to # 98-7025 for the irrigation portion and used it as a basis for determining priority from June 1970. When I had originally submitted the application for # 98-7068, I was advised to show both domestic and irrigation.

I believe that # 98-7068 will protect our interests "in regards to priority of water use."

Please advise if any further action is required on my part.

Sincerely, 



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

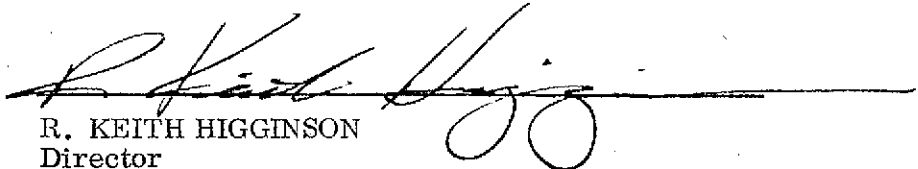
July 3, 1975

Nelson M. & Denise B. Warner
Naples,
Idaho 83847

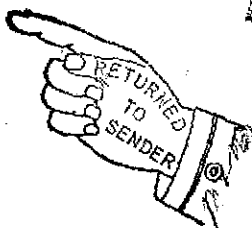
Dear Mr. & Mrs. Warner:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 98-7025 has lapsed.

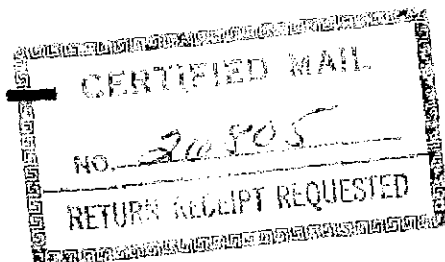
You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720



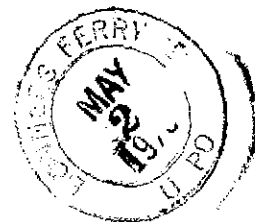
Nelson M. & Denise B. Warner
Box 592
Bonners Ferry, ID 83805



Name _____
1st Notice MAY 2 1975
2nd Notice _____
Return MAY 17 1975

*Not in directory. Did not
call assessor's office as permit
is only for 0.3 cfs.*

1. The following service is requested (check one). ☐ Show to whom and date delivered. 15¢ ☐ Show to whom, date, & address of delivery. 35¢ ☐ Show to whom, date, & address of delivery and DELIVER ONLY TO ADDRESSEE and 65¢ ☐ Show to whom and date delivered. 15¢ ☐ DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of 85¢ delivery		2. ARTICLE ADDRESSED TO:	
3. ARTICLE DESCRIPTION: REGISTERED NO. <u>20805</u> INSURED NO. _____ (Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE _____		POSTMARK 4. DATE OF DELIVERY _____ 5. ADDRESS (Complete only if requested) _____ 6. UNABLE TO DELIVER BECAUSE: _____ CLERK'S INITIALS _____	



RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

PS Form 3811, Nov. 1974

May 1, 1975

CERTIFIED MAIL

26805

Re: Permit No. 98-7025

Nelson M. & Denise B. Warner
Box 592
Bonners Ferry, ID 83805

Dear Mr. & Mrs. Warner:

One of the conditions of approval of your water Permit No. 98-7025 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before July 1, 1975. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg

enc Proof affidavit

March 8, 1973

Re: Permit No. 98-7025

Nelson M. and Denise B. Warner
Box 592
Bonners Ferry, ID 83805

Dear Mr. and Mrs. Warner:

Enclosed is a copy of an assignment for Permit No. 98-7025. The assignment has been recorded in the Departments records. Also enclosed is a copy of Permit No. 98-7025. Please note the conditions of approval as listed on the fourth page of the permit.

Very truly yours,

Donald W. McEldowney
Water Rights Administrator

DWM/cd

Enc: Copy of Assignment
Copy of Permit

98 7025

Box 592
Bonners Ferry, ID 83805
February 26, 1973

Northern District Office
Idaho Dept. of Water Administration
401 Front Avenue, Room 2089
Coeur d'Alene, ID 83814

Gentlemen:

RE: Permit No. 98-7025-Harry E. Dudley
Application of New Water Right(Enclosed)

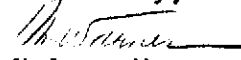
Attached as Enclosure 1 is a completed assignment of permit for permit NO 98-7025. Mr. McElowney's letter of October 27, 1972 advised me that said permit provides for .30 cubic feet per second for irrigation from June 1 to September 30. Please file the assignment with the application.

Work and proof of completion on said permit must be submitted on or before July 1, 1975. In a telephone conversation with Mr. Fred Eisenbarth, he said that I could apply for an amendment of said permit, should I find the authorized allowance to be excessive to my needs. I intend to make this evaluation during this year and in 1974. Should I submit such an amendment, then he said that I could also ask to be relieved of the special requirement for the installation of an approved water meter. However, request that I be furnished with the list of approved water meters.

Attached as Enclosure 2 is an application for a new water right. The source of water would be the same, however, the primary purpose is to provide domestic water for my household as well as a few head of cattle. I have also applied for an extension of the period for irrigation use to provide irrigation water 2 months before and 15 days after that authorized in permit 98-7025.

Attached as Enclosure 3 is a check for \$10.00, filing fee.

Sincerely,


Nelson M. Warner

Encl: 1. Assignment
2. Application
3. Check

Tel # 267-3686

98 7025

RECEIVED

FEB 23 1973

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Department of Water Administration
Northern District Office



Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

October 27, 1972

Re: Permit No. 98-7025 - Harry E. Dudley

Nelson M. Warner
General Delivery
Bonners Ferry, Idaho 83805

Dear Mr. Warner:

In reference to your letter of October 6, 1972. Please be advised that the permit No. 98-7025 in the name of Harry E. Dudley, source of water supply is an unnamed creek, tributary to Deep Creek, provides for .30 cubic feet per second for irrigation from June 1 to September 30. The place of use is 20 acres located in the South West Quarter of the South East Quarter, Section 24, Township 60 North, Range 1 West.

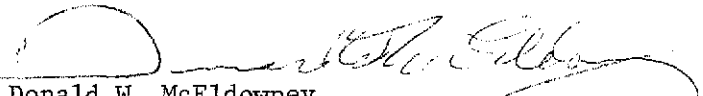
30x448.8=
134.64
gal per min

Under the terms and conditions of the permit, Mr. Dudley must have his work completed and proof submitted to the Department as to the extent of the development, on or before July 1, 1975. An additional requirement on the permit is that he must install a permanent measuring device as part of the diverting works.

If you are purchasing this property, you should obtain an assignment of the permit from Mr. Dudley. We are enclosing the Department's assignment for your use. The permit does not provide for domestic water nor for stock water. In order to accomplish this, you must file a new application for those additional uses. We are enclosing a blank application form and a set of instructions. The application may be filed with our Northern District Office located in Coeur d'Alene, Idaho. The instruction sheets have the address.

If you have any questions, please contact us.

Very truly yours,


Donald W. McEldowney
Water Rights Administrator
DWM/cd

Enc: assignment form
application for permit form
set of instructions

October 27, 1972

Re: Permit No. 98-7025 - Harry E. Dudley

Nelson M. Warner
General Delivery
Bonners Ferry, Idaho 83805

Dear Mr. Warner:

In reference to your letter of October 6, 1972. Please be advised that the permit No. 98-7025 in the name of Harry E. Dudley, source of water supply is an unnamed creek, tributary to Deep Creek, provides for .30 cubic feet per second for irrigation from June 1 to September 30. The place of use is 20 acres located in the South West Quarter of the South East Quarter, Section 24, Township 60 North, Range 1 West.

Under the terms and conditions of the permit, Mr. Dudley must have his work completed and proof submitted to the Department as to the extent of the development, on or before July 1, 1975. An additional requirement on the permit is that he must install a permanent measuring device as part of the diverting works.

If you are purchasing this property, you should obtain an assignment of the permit from Mr. Dudley. We are enclosing the Department's assignment for your use. The permit does not provide for domestic water nor for stock water. In order to accomplish this, you must file a new application for those additional uses. We are enclosing a blank application form and a set of instructions. The application may be filed with our Northern District Office located in Coeur d'Alene, Idaho. The instruction sheets have the address.

If you have any questions, please contact us.

Very truly yours,

Donald W. McEldowney
Water Rights Administrator

DWM/cd

Enc: assignment form
application for permit form
set of instructions

98 7025

RECEIVED
10/12
Department of Water Administration

Nelson M. Warner
General Delivery
Bonners Ferry, ID 83805
October 6, 1972

Idaho Department of Water Administration
Statehouse--Annex 2
Boise, ID 83707

Re: Application submitted by Harry Dudley
Naples, Id

Gentlemen:

I recently purchased 40 acres (SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec 24, 60N R1W) from Mr. Dudley. At the time he said that he had applied for a water right on the small creek running through the property. He believes that it was some 4 years ago, and that "you have this year to complete the application".

He ran cattle on the property. I intend to build there next Spring and will require domestic water as well as water for some cattle I intend to buy at a later date.

Please advise me of the action to be taken to complete this case.

Thank you.

Sincerely,


Nelson M. Warner

98 7025

July 9, 1970

Re: Permit No. 98-7025

Mr. Harry E. Dudley
Naples,
Idaho 83847

Dear Mr. Dudley:

Enclosed is a copy of your approved Application for Permit No. 98-7025. We direct your attention to the conditions of approval on the fourth page under approval of the State Reclamation Engineer.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CCA:kh

Enclosures: Copy of permit
Receipt No. 4664 for \$10
1 informational letter

98-7025

**NOTICE OF APPLICATION FOR
PERMIT TO APPROPRIATE THE
PUBLIC WATERS OF THE STATE
OF IDAHO**

Notice is hereby given that Harry E. Dudley, Naples, Idaho, has on May 22, 1970, submitted Application No. 98-7025 to appropriate the public waters of an unnamed creek, tributary of Deep Creek.

The application proposes a maximum diversion and appropriation of 0.3 cubic feet per second of water to be diverted by pipeline and sprinklers within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, T. 60N, R. 1W, B.M., Boundary County, and is to be used within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, T. 60N, R. 1W, B.M. from June 1 to Sept. 30 for the irrigation of 20 acres.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Reclamation on or before June 29, 1970.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Bonners Ferry
Herald, Bonners Ferry, Idaho, on
June 11 and June 18, 1970.

98-7025

June 3, 1970

Re: Application for Permit No. 98-7025 - Harry E. Dudley

Bonnors Ferry Herald
212 Main
Bonnors Ferry, Idaho 83805

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

(Signature of the claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Legal notice

98-7025

NOTICE OF APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Harry E. Dudley, Naples, Idaho,

has on May 22, 1970,

submitted Application No. 98-7025 to appropriate the public waters of
an unnamed creek, tributary of Deep Creek

The proposed uses are

The application proposes a maximum diversion and appropriation of 0.3
cubic feet per second acre/feet of water to be diverted by pipeline and
sprinklers within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24,
T. 60N, R. 1W, B.M., Boundary County,

and is to be used within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, T. 60N, R. 1W, B.M.
from June 1 to Sept. 30 for the irrigation of 20 acres

Any permit issued pursuant to this application will be subject to ALL PRIOR
WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest
against this application must be filed with the Idaho Department of Reclamation on
or before June 29, 1970.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Bonniers Ferry Herald, Bonners Ferry, Idaho,

on June 11 and June 18, 1970

98-7025

April 14, 1970

Mr. Harry E. Dudley
Naples,
Idaho 83847

Dear Mr. Dudley:

Enclosed herewith is an application for permit form and instructions,
as you requested in your letter, of April 9, 1970.

If you have any questions, please contact us.

Very truly yours,

DORIAN CLAY, Water
Resource Examiner

DC:kh

Enclosures

98-7025

Naples Idaho.
April 9. 1970

State Reclamation Engineer
State House Boise.

Dear Sir. will you please
Mail me (2) two Water Rite
application Forms.

Yours Truly
Harry E. Dudley

Naples Idaho.
83842

98-7025